

**ADOPTED REGULATION OF THE  
NEVADA TRANSPORTATION AUTHORITY**

**LCB File No. R112-10**

Effective December 16, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-3, NRS 706.171 and 706.321; §4, NRS 706.171.

A REGULATION relating to operators of tow cars; requiring operators of tow cars to use a model tariff adopted by the Nevada Transportation Authority for nonconsensual tows; allowing operators of tow cars to discount rates under certain circumstances; revising provisions concerning access to stored vehicles by the owners of such vehicles and their agents; revising provisions concerning the information which must be included on a bill for a nonconsensual tow; and providing other matters properly relating thereto.

**Section 1.** Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

*The Authority will adopt a model tariff for nonconsensual tows which includes, without limitation, rules and definitions. In addition to the requirements for tariffs and supplements set forth in NAC 706.1385, the operator of a tow car shall use the model tariff adopted by the Authority pursuant to this section.*

**Sec. 2.** NAC 706.408 is hereby amended to read as follows:

706.408 1. The operator of a tow car shall include on a bill for a nonconsensual tow only those rates and charges approved by the Authority in the operator's tariff.

2. The rates and charges for Category C must be based upon a flat rate. The flat rate may vary for the time of day at which the vehicle is towed, but may not vary according to the time required to tow the vehicle, the distance or the equipment used, except that a rate for mileage

similar to the rate for mileage for Category A or B may be charged for a tow of more than 10 miles. An operator of a tow car that is operating under tariffs that are Category A or B may file a separate schedule of rates and charges for Category C for each type of tow car operated.

3. An operator of a tow car shall include in his tariff a specific reduction in the flat rate charged for releases of a vehicle if the owner of the vehicle or his agent arrives at the scene of the tow before the vehicle is towed.

4. The distance for which a rate is charged must be determined by the shortest practical route. A fraction of a mile must be rounded to the nearest mile. The operator of a tow car may use another route only at the request of the owner of the vehicle, his agent or the driver of the vehicle.

5. The rates and charges in a tariff for Categories A and B may differ from the rates and charges in a tariff for Category C.

*6. An operator of a tow car may discount the rates with respect to a single towed vehicle which are specified in the operator's tariff if:*

*(a) The operator submits to the Authority in the form required by the Authority all information related to the tow for which the operator is requesting such a discount;*

*(b) The operator shows that such a discount is based on compelling public policy grounds and will not operate to defeat the legislative policies set forth in NRS 706.151; and*

*(c) The Chair or the designee of the Chair provides written authorization for the discount.*

*7. If, pursuant to subsection 6, the Chair or the designee of the Chair provides written authorization for a discount in the rates specified in the tariff of an operator of a tow car, the operator shall keep a copy of the written authorization with the operator's copy of the bill for the tow to which the discount applies.*

**Sec. 3.** NAC 706.410 is hereby amended to read as follows:

706.410 1. If an operator of a tow car includes in his tariff a fee to be charged the owner of a towed vehicle for the storage of the vehicle, the fee may not be charged:

(a) For more than 15 days, unless the operator complies with the requirements set forth in NRS 706.4479;

(b) If the owner of the vehicle, his agent or the driver of the vehicle arrives at the place of storage to secure its release before the towed vehicle is placed in storage; or

(c) If the tow was under Category C and is released to the owner or his agent within 24 hours after the vehicle is towed. The charge for the first 24 hours of storage of a vehicle towed under Category C must be included as part of the flat rate charged for the tow.

2. If an operator of a tow car includes in his tariff a fee for allowing the owner of a towed vehicle or his agent to have access to a vehicle held in storage, that fee may not be charged the first time the owner or his agent visits the stored vehicle or when the vehicle is being claimed by the owner or his agent. The operator of a tow car ~~shall~~:

(a) *Shall* not deny the owner of the stored vehicle or his agent reasonable access to the vehicle unless required to do so by a law enforcement agency. ~~[The operator of a tow car may]~~

(b) *May* require the fee charged for visiting a stored vehicle to be paid in advance of the visit.

(c) *Shall not charge the fee for visiting a stored vehicle on a per person basis if a reasonable number of people visit the same stored vehicle at the same time.*

(d) *Shall establish and maintain a log to track each time the owner of a stored vehicle or his or her agent visits the vehicle. The operator shall record in the log:*

*(1) The name of the person who visits the stored vehicle and the date and time of the visit; and*

*(2) The date and time on which the owner of the stored vehicle or his or her agent recovers the vehicle.*

*(e) Shall confirm the identity of the owner of the stored vehicle or his or her agent who is visiting the stored vehicle by requiring such persons to provide:*

*(1) A driver's license;*

*(2) An identification card; or*

*(3) Any other valid form of identification.*

3. The operator of a tow car may include in his tariff a charge for opening a secured facility for storage after normal business hours to release or allow access to a towed vehicle. Normal business hours shall be deemed to be between 8 a.m. and 5 p.m. on Monday through Friday, excluding legal holidays. Such a charge is in addition to any other charge for storage or access to the vehicle. The operator of a tow car may require that the charge for opening a secured facility for storage be paid in advance of opening the facility.

**Sec. 4.** NAC 706.420 is hereby amended to read as follows:

706.420 1. The operator of a tow car shall itemize on the bill for a nonconsensual tow each rate used or fee charged to compute the total bill. All charges must be substantiated in writing and attached to the bill. In addition to the rates and fees, each bill must contain, except as otherwise provided in subsection 2:

(a) The name, address, telephone number and number of the certificate of the operator of the tow car.

*(b) Except as otherwise provided in this paragraph, an identification of the tow car that performed the tow. Such an identification is not required to be included on the bill for a vehicle towed under Category C.*

(c) The address of the facility where the towed vehicle is stored if it is different from the address of the operator of the tow car.

~~(e)~~ (d) The date and time of the request for the nonconsensual tow, including a designation of “a.m.” or “p.m.” or other comparable designation of time.

~~(d)~~ (e) The name and address of the registered owner of the towed vehicle, if available.

~~(e)~~ (f) The model, make, identification number, number of the license plate, state of registration and year of manufacture of the towed vehicle, if available.

~~(f)~~ (g) The exact location from which the vehicle was towed.

~~(g)~~ (h) The exact location to which the vehicle was initially towed, if different from the address of the facility where the vehicle is stored.

~~(h)~~ (i) The time when the tow car was sent to the vehicle and the reading of *at least the last four digits of* the odometer at the beginning of the trip.

~~(i)~~ (j) The time of the arrival of the tow car at the site of the car to be towed ~~and~~ *and the reading of at least the last four digits of the odometer upon its arrival.*

(k) The time of the departure of the tow car from the site of the vehicle to be towed . ~~and the reading on the odometer of the tow car upon departure.~~

~~(k)~~ (l) The time of the arrival of the tow car at the location to which the vehicle was towed and the reading ~~on~~ *of at least the last four digits of* the odometer of the tow car upon its arrival.

~~(l)~~ (m) *The total time which passes while at the site of the towing in hours and minutes.*

(n) The exact mileage and hourly charges.

~~(m)~~ (o) If an extra person was required, the time he was sent to the site and the time he returned.

~~(a)~~ (p) A detailed listing of all charges and, if charges are based on time, the starting and ending times. If more space is needed for the listing, a separate sheet of paper must be attached to the bill and a notation made on the bill that an additional sheet is attached.

~~(a)~~ (q) The date and the time the storage of the vehicle started and ended and a notation of whether the vehicle was stored inside a locked building or in a secured, fenced area.

~~(p)~~ (r) A statement of the total charges.

2. Any name or address which is the same as another on the bill may be so indicated.

Odometer readings need not be listed for nonconsensual tows not involving charges for mileage.

3. If a bill is prepared incorrectly or is incomplete, only the substantiated charges may be collected.

4. An operator of a tow car may keep forms for bills for nonconsensual tows in an electronic storage device, including, without limitation, on a computer.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066  
LCB FILE R112-10**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) chapter 706.

**1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Copies of the notices of workshops and the notice of intent to act upon the regulations were sent by U.S. mail or via facsimile to all persons on the Authority’s mailing list for administrative rulemaking and to all motor carriers licensed by the Authority to provide the transportation of property. Copies of the notices of workshops and the notice of intent to act upon the regulations were also posted at all county libraries in Nevada and at the following locations:

Clark County Court House  
200 Lewis Ave.  
Las Vegas, NV 89155

Grant Sawyer Building  
555 E. Washington Blvd.  
Las Vegas, NV 89101

Nye County Court House  
1520 E. Basin Ave., #105  
Pahrump, NV 89060

Washoe County Court House  
75 Court St.  
Reno, NV 89501

Nevada State Library  
100 N. Stewart St.  
Carson City, NV 89701

Copies of all materials relating to the proposal were made available at the workshops and adoption hearing, at the offices of the Authority, on the Authority’s website at **[www.nta.nv.gov](http://www.nta.nv.gov)**, and at the Nevada State Library, 100 N. Stewart St., Carson City, NV.

Workshops were held on November 18, 2009, March 5, 2010, and May 14, 2010. On or about October 6, 2010, the Authority issued a Notice of Intent to Act Upon a Regulation. A public hearing was held on November 9, 2010. The minutes of the three workshops and the public hearing, attached hereto, contain summaries of the discussion held regarding the proposed amendments.

A copy of this summary of the public response to the proposed regulation may be obtained from the Authority, 2290 South Jones Blvd. Suite 110, Las Vegas, Nevada 89146, (702)486-3303.

2. **The number of persons who:**
  - a. **Attended each workshop/hearing:** November 18, 2009—98; March 5, 2010—35; May 14, 2010—16; November 9, 2010—24.
  - b. **Testified at each workshop/hearing:** November 18, 2009—15; March 5, 2010—12; May 14, 2010—5; November 9, 2010—8.
  - c. **Submitted to the agency written comments:** 5.
  
3. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained in the response to question #1 above.

4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reason for adopting the regulation without change.**

Not applicable. The permanent regulation was adopted on November 9, 2010 and included changes suggested at the workshops and the adoption hearing.

5. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately and each case must include:**
  - a. **Both adverse and beneficial effects; and**
  - b. **Both immediate and long-term effects**

The proposed revisions will have no significant adverse or beneficial economic impact upon the regulated industry or the public, either immediately or long-term.

The proposed adoption of a model tariff for nonconsensual tows will provide some benefit to tow carriers as well as the Authority both in the short and long term as use of a model tariff will reduce the time spent by both in crafting, submitting, and reviewing tow tariffs.

Tow carriers will have additional, although minor, requirements to include on a tow bill the identity of the tow vehicle used and to log and confirm the identity of persons visiting stored vehicles. These carriers may realize negligible short and long-term benefit from listing only the last four digits of an odometer reading on a tow bill rather than the full reading. No significant adverse or beneficial effect, either immediate or long term, is expected.

The foregoing economic effects on carriers are unlikely to have an economic effect on customers or the general public, either in the short or long term.



**6. The estimated cost to the agency for enforcement of the adopted regulation.**

The Authority will adopt a model tow tariff at a public hearing or series of public hearings. Costs of mailing notices for such hearings to interested parties will be incurred.

There is no other additional cost to the Authority for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

**8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

N/A

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

**10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The Authority has determined that the proposed regulation does not impose a direct and significant economic burden upon small business or restrict the formation, operation or expansion of a small business. In making this determination the Authority considered that numerous representatives of affected small businesses were present at the three workshops and at the hearing; that at the workshops and the hearing Chairman Andrew J. MacKay asked the participants to address any impact on small business; and that no impacts on small business were identified for the regulation as adopted.